

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6106**

**BILL NUMBER: SB 29**

**NOTE PREPARED: Jan 11, 2010**

**BILL AMENDED:**

**SUBJECT:** County Clerk Liability.

**FIRST AUTHOR:** Sen. Lawson C

**FIRST SPONSOR:**

**BILL STATUS:** 2<sup>nd</sup> Reading - 1<sup>st</sup> House

**FUNDS AFFECTED: X GENERAL  
DEDICATED  
FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** The bill provides that a circuit court clerk is not personally liable for acts or omissions in the performance of the clerk's duties absent gross negligence or intentional disregard of the responsibilities of the office of clerk. The bill specifies that the fact that a clerk is not personally liable does not preclude an action against the clerk's bond based on an error or omission committed by the clerk.

**Effective Date:** July 1, 2010.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** The effect of this provision on state and local court fee revenues is indeterminable.

**Explanation of Local Expenditures:** The provision would prevent a circuit court clerk from having an action taken against them for good faith acts or omissions made in the line of duty. This provision would not exclude a party from taking action against the county in case of the act or omission made by the clerk.

**Explanation of Local Revenues:** See *Explanation of State Revenues*.

**State Agencies Affected:**

**Local Agencies Affected:** Counties.

**Information Sources:**

**Fiscal Analyst:** Chris Baker, 317-232-9851.